

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

WSOU INVESTMENTS, LLC D/B/A
BRAZOS LICENSING AND DEVELOPMENT,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE COMPANY,

Defendant.

Civil Action Nos. 6:20-cv-00783-ADA

JURY TRIAL DEMANDED

**DECLARATION OF TIMOTHY J. ROUSSEAU IN SUPPORT OF BRAZOS'S OPPOSITION TO
HPE'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(B)(1)**

I, Timothy J. Rousseau, declare as follows:

1. I am an attorney with Brown Rudnick LLP, counsel to plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development ("Brazos"). I am a member of the bar of this Court. I submit this declaration in support of Brazos's Opposition to Defendant Hewlett Packard Enterprise Company ("HPE")'s Motion to Dismiss for Lack of Subject Matter Jurisdiction Pursuant to Federal Rule of Civil Procedure 12(b)(1). I have personal knowledge of the matters stated in this Declaration and would testify truthfully to them if called upon to do so.

2. Attached as Exhibit B¹ to Brazos's Opposition is a true and correct copy of the November 30, 2017 Second Amendment to Patent Purchase Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00009843.

¹ For ease of reference, the exhibits attached to Brazos's Oppositions filed in Case Nos. 6:20-cv-00726-ADA, -727, -728, and -730 (filed October 21, 2021) and Case Nos. 6:20-cv-00725-ADA, -729, and -783 (filed October 26, 2021) use the same lettering. Because not all of the exhibits are cited in Brazos's Opposition in this case, any exhibits that are not cited are intentionally omitted and not referenced in this declaration.

3. Attached as Exhibit C to Brazos's Opposition is a true and correct copy of the December 22, 2017 Third Amendment to Patent Purchase Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00010096.

4. Attached as Exhibit D to Brazos's Opposition is a true and correct copy of the March 1, 2019 Fourth Amendment to Patent Purchase Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00010332.

5. Attached as Exhibit F to Brazos's Opposition is a true and correct copy of the January 1, 2020 Sixth Amendment to Patent Purchase Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00011073.

6. Attached as Exhibit G to Brazos's Opposition is a true and correct copy of the September 8, 2021 Letter Agreement [REDACTED], which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00020137.

7. Attached as Exhibit Q to Brazos's Opposition is a true and correct copy of the transcript of the November 23, 2020 Telephonic Scheduling Conference held in these cases.

8. Attached as Exhibit S to Brazos's Opposition are true and correct excerpts from Attachment A to the November 26, 2019 Letter Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00011054.

9. Attached as Exhibit U to Brazos's Opposition is a true and correct copy of the October 1, 2019 Fifth Amendment to Patent Purchase Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00010964.

10. Attached as Exhibit W to Brazos's Opposition is a true and correct copy of the August 21, 2017 Assignment of Patent Purchase Agreement, which was taken from a recording

with the USPTO at Reel/Frame 044000/0053 at 0140 and which was produced by Brazos bearing Bates number at WSOU-HPE-00004518.

11. Attached as Exhibit X to Brazos's Opposition is a true and correct copy of the August 2, 2017 Amendment to Patent Purchase Agreement, which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00008732.

12. Attached as Exhibit Z to Brazos's Opposition is a true and correct copy of excerpts from Exhibit E to the September 8, 2021 Letter Agreement [REDACTED], which was produced by Brazos bearing Bates numbers beginning at WSOU-HPE-00020073.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on October 26, 2021 in New York, New York.

/s/ Timothy J. Rousseau

Timothy J. Rousseau